

Application No. 10/098,683
Amendment dated May 3, 2006
Reply to Office Action of November 25, 2005

REMARKS

Applicant amended claims 54, 71-73, 79, and 96-98 to further define Applicant's claimed invention. The amendments to claims 54 and 79 are supported at least by Fig. 33. The amendments to dependent claims 72 and 97 are supported at least by Fig. 7. The amendments to dependent claims 73 and 98 are supported at least by page 26, paragraph 3 of the specification and Fig. 29.

The Examiner rejected claims 54-103 under 35 U.S. § 103(a) as being unpatentable over U.S. Patent No. 5,026,373 to Ray et al. ("Ray"). Independent claims 54 and 79, as now amended, each recite an apparatus including a spinal fusion implant having a hollow interior in communication with openings in the upper and lower portions of the implant, "said hollow interior having an interior surface with a total surface area greater than the combined transverse areas of the openings in said upper and lower portions."

Ray teaches a fusion cage surrounded by a V-thread 12. As shown in Fig. 1 of Ray, the area of the openings in the fusion cage are greater than the total surface area of any interior surface of the cage. Ray does not teach or suggest an apparatus as recited in independent claims 54 and 79 of Applicant's claimed invention. Applicant submits that the Examiner's rejection of claims 54-103 under 35 U.S. § 103(a) as being unpatentable over Ray has been overcome.

Applicant submits that independent claims 54 and 79 are patentable and that dependent claims 55-65, 67-78, 80-90, and 92-103 dependent from one of independent claims 54 and 79, or claims dependent therefrom, are patentable at least due to their dependency from an allowable independent claim.

In view of the foregoing remarks, it is respectfully submitted that the claims, as amended, are patentable. Therefore, it is requested that the Examiner reconsider the outstanding rejections in view of the preceding comments.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this reply, such extension is hereby respectfully requested. If there are any

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fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 50-3726.

Respectfully submitted,

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Dated: May 3, 2006

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